

REMARKS

The Examiner has stated in an Office Action dated March 31, 2003 (hereinafter, "the Office Action") for the parent case that Claims 24 - 27, 30 - 31, 38, 48, 64, 66, 70, 83, and 88 are objected to as being dependent upon a rejected independent claim, and that Claims 1 - 23, 28 - 29, 32 - 37, 39 - 47, 49 - 62, 65, 67 - 69, 71 - 82, and 84 - 87 have been rejected. The subject matter which is being pursued in the parent case has been cancelled without prejudice from this continuation application. Claims 1 - 2, 5 - 12, 14 - 18, 20 - 24, 28, 34, 37, 43, 46, 67 - 68, and 89 - 95 are presented for examination in the accompanying continuation application, which is filed under 37 C.F.R. §1.53(b)).

The accompanying continuation application contains the specification and drawings of the parent application, wherein the specification is amended herein as required by 37 C. F. R. §1.78(a)(2) to contain a reference to the parent application as the first sentence following the Title. Claims 1 - 2, 5 - 12, 14 - 18, 21 - 24, 28, 34, 37, 43, 46, and 67 - 68 have been amended. Claims 89 - 95 have been added. No new matter has been introduced with the amendments or added claims, which are supported in the specification of the parent application as originally filed.

Paragraph 2 of the Office Action for the parent case states that Claims 1 - 23, 28 - 29, 32 - 37, 39 - 47, 49 - 62, 65, 67 - 69, 71 - 82, and 84 - 87 are rejected under 35 U.S.C. §102(a) as being anticipated by Goldberg et al. (U. S. Patent 6,125,175). This rejection is respectfully traversed with reference to the claims as amended herein.

Goldberg teaches a real-time approach directed toward inserting background sound into a telephone call. There is no teaching in Goldberg of storing voice mail messages, separately storing the background sound, and then incorporating the background sound with the stored voice mail message when the listener requests playback of the message. These are limitations of Claim 1 as amended herein. Applicants therefore respectfully submit that Claim 1 and its dependent Claims 2, 5 - 12, 14 - 18, 20 - 24, 28, 90, and 92 - 93, as amended herein, are patentable over Goldberg.

Similarly, Goldberg does not teach storing a voice mail message as a plurality of message segments, and separately storing audio files to be inserted between successive ones of these message segments, as claimed in amended Claim 34. Therefore, Applicants' amended Claim 34 and its dependent Claim 37 are patentable over Goldberg.

Goldberg also does not teach marketing a telephone device that has locally-accessible sounds, where the sounds can be blended with voice messages of calls initiated from the telephone device, as in Applicants' amended Claim 43. Notably, Goldberg teaches that the sound should not come from the caller's phone, as he perceives this to be undesirable for several reasons. (See, for example, col. 1, lines 29 - 41 and col. 4, lines 62 - 64.) Applicants' amended Claim 43 and added dependent Claim 91 are therefore patentable over Goldberg.

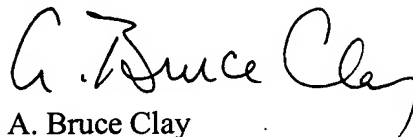
Goldberg does not teach enabling the called party to choose whether a background sound selected by the caller will be suppressed, as in Applicants' amended Claim 46. Goldberg does

teach that the called party can select their own background sounds (and in particular, for all calls or for calls originating from selected phone numbers; see col. 1, lines 42 - 45 and col. 5, lines 5 - 19), but this is distinct from the claim language of Claim 46. Therefore, Applicants submit that their amended Claim 46 and added Claims 94 - 95 are patentable over Goldberg.

Goldberg does not teach storing a plurality of voice mail messages, each of which comprises one or more message segments; associating audio files with these stored messages; and enabling a listener to preview the messages by selectively playing back some of the audio files, as claimed in Applicants' amended Claim 67. Applicants respectfully submit that their amended Claim 67 and added Claim 90 are therefore patentable over Goldberg.

Applicants respectfully request examination of the claims of the continuation application, as now presented, and allowance thereof, at an early date.

Respectfully submitted,

A handwritten signature in black ink that reads "A. Bruce Clay". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

A. Bruce Clay
Attorney for Applicants
Reg. No. 32,121

/mld
Docket No. RSW920000128US2
Phone: 919-254-6717
Fax: 919-254-4330